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CENTRAL FAX CENTER****NOV 24 2004****Fax****INTELLECTUAL PROPERTY LAW**

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	Charles Alan Marmor II - Art Unit 3736	Client:	1139.20.DIV1
Fax:	(703) 872-9302	Pages:	15 including coversheet
Phone:	(703) 305-3521	Date:	November 24, 2004
Re:	USSN 10/708,710	CC:	John S. Fisher, M.D.

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Examiner Marmor:

In response to the non-final office action mailed September 1, 2004, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated November 24, 2004 (2 pages);
- 2) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated November 24, 2004 (10 pages); and
- 3) Application Data Sheet (2 pages).

Very respectfully,

Ronald E. Smith
Reg. No. 28,761

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/708,710 Confirmation No.: 2709
Applicant: : John S. Fisher
Filed: : 03/19/2004
Art Unit : 3736
Examiner : Charles Alan Marmor II

Docket No. : 1139.20.DIV1
Customer No. : 21901
For : Dual Action Aspiration Biopsy Needle

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Faxed to Technology Center 3700 at (703) 872-9302
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is an independent inventor. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Specification, Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3736, Attn: Mr. Charles Alan Marmor II, (703) 872-9302, on November 24, 2004.

Dated: November 24, 2004


Shelley Butz

(Amendment Transmittal—page 1)

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	8	Minus	20	= 0	x \$9 =	\$0
Indep.	3	Minus	3	= 0	x \$44 =	\$0
First Presentation of Multiple Dependent Claim					+ \$150 =	\$0
Total					Addit. Fee	\$0

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,



SIGNATURE OF PRACTITIONER

Reg. No. 28,761
 Tel. No.: (727) 507-8558

Ronald E. Smith
 Smith & Hopen, P.A.
 15950 Bay Vista Drive, Ste. 220
 Clearwater, FL 33760

(Amendment Transmittal—page 2)

NOV 24 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/708,710	Confirmation No.
Applicant:	: John S. Fisher	2709
Filed:	: 03/19/2004	
TC/A.U.	: 3736	
Examiner	: Charles Alan Marmor II	
Docket No.	: 1139.20 DIV1	
Customer No.	: 21901	
For	: Dual Action Aspiration Biopsy Needle	

Faxed to Technology Center 3700 at (703) 872-9302
Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT A

Introductory Comments

Sir:

In response to the Examiner's Action mailed 09/01/2004, having a shortened statutory period for response set to expire 12/01/2004, the above-identified patent application is amended a first time as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 4 of this paper.

Remarks begin on page 7 of this paper.